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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/379,104	08/23/1999	YOSHINORI NAKAYAMA	500.35669CX1	9870

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[REDACTED] EXAMINER

NGUYEN, NGA B

ART UNIT	PAPER NUMBER
3628	

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.  
09/379,104

Applicant(s)

Nakayama et al.

Examiner

Nga B. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

1)  Responsive to communication(s) filed on May 30, 2002.

2a)  This action is FINAL. 2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

4)  Claim(s) 10-20 is/are pending in the application.

4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 10-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

13)  Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)  All b)  Some\* c)  None of:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

15)  Notice of References Cited (PTO-892)

18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

19)  Notice of Informal Patent Application (PTO-152)

17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_

20)  Other: \_\_\_\_\_

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## DETAILED ACTION

1. This Office Action is the answer to the Amendment filed on November 14, 2001 , which paper has been placed of record in the file.
2. Claims 10-20 are pending in this application.

### *Response to Arguments/Amendment*

3. Applicant's arguments with respect to claims 10-20 have been fully considered but they are not persuasive. Applicant does not agree with Official Notice taken by Examiner regarding to claims 10-20, therefore, Examiner provides the prior arts (see form PTO-892) to support the Examiner's Official Notice. Therefore, Examiner decides to maintain the previous Office action dated 2/5/2002 (see details below) and make this Office action FINAL.
4. Accordingly, ***THIS ACTION IS MADE FINAL.*** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirotaka, Japanese Patent No. 8106439 in view of Official notice taken by Examiner.

Regarding to claim 10, Hirotaka discloses a schedule management system comprising:  
a schedule server which stores schedules of participants and schedules of equipments reserved by ones of participants (see abstract, “portable information terminal”); and  
a plurality of remote client devices operatively connected to schedule server, which allow client users to input schedules of participants and request an idle time retrieval from schedule server (see abstract, “external computer”).

Hirotaka does not teach the degree of significance is provided to participants respectively so that schedules of participants are grouped in the order of degree of significance to thereby produce the idle time corresponding to degree of significance. Official notice is taken that grouping people or equipment based on the degree of significance is old and well-known in the

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art of scheduling a meeting. Moreover, it is obvious that the process of retrieving an idle time common from one group as a retrieval condition for retrieving an idle time common for another group of plurality of groups will work the same as retrieves an idle time common from one person as a retrieval condition for retrieving an idle time common for another person of plurality of people, because one group may contain only one person. Therefore, it would have been obvious to improve the method of Hirotaka by combining the feature of dividing schedule into groups in order to retrieve common idle time among plurality of groups for the purpose of time consuming.

Regarding to claim 15, Hirotaka in combining with Official notice (see claim 10 above) teach schedule server comprises a communication controller (see abstract, "communication means 4) which provides registration for a special group, and wherein idle time is retrieved so that at least one of participants and equipments in special group satisfies a retrieval condition for retrieving idle time.

Regarding to claims 16-17, Hirotaka in combining with Official notice (see claim 10 above) teach schedule server further comprises a data access unit (see abstract, "external schedule access means 8) which accesses selected databases in accordance with instructions for retrieving the idle time common form plurality of groups.

Regarding to claim 11, Hirotaka discloses a schedule management system comprising: a schedule server which stores schedules of participants and schedules of equipments reserved by ones of participants (see abstract, "portable information terminal"); and

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a plurality of remote client devices operatively connected to schedule server, which allow client users to input schedules of participants and request an idle time retrieval from schedule server (see abstract, "external computer"), wherein schedule server comprises databases which store schedules of participants and schedules of equipments reserved by ones of participants (see abstract, "storage means 2"), and a multistagous idle time retrieval unit which retrieves an idle time common from one person as a retrieval condition for retrieving an idle time common for another person of plurality of people (see abstract, "the free time retrieval means 10").

Hirotaka does not teach retrieval unit divides schedules registered for participants and equipments into a plurality of groups and retrieves an idle time common from one group as a retrieval condition for retrieving an idle time common for another group of plurality of groups. Official notice is taken that grouping people or equipment is old and well-known in the art of scheduling a meeting (The prior arts is provided for traversing the Official notice). Moreover, it is obvious that the process of retrieving an idle time common from one group as a retrieval condition for retrieving an idle time common for another group of plurality of groups will work the same as retrieves an idle time common from one person as a retrieval condition for retrieving an idle time common for another person of plurality of people, because one group may contain only one person. Therefore, it would have been obvious to improve the method of Hirotaka by combining the feature of dividing schedule into groups in order to retrieve common idle time among plurality of groups for the purpose of time consuming.

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Regarding to claim 18, Hirotaka in combining with Official notice (see claim 11 above) teach schedule server comprises a communication controller which provides registration for a special group, and wherein idle time is retrieved so that at least one of participants and equipments in special group satisfies a retrieval condition for retrieving idle time (see abstract, "communication means 4").

Regarding to claims 19-20, Hirotaka in combining with Official notice schedule server further comprises a data access unit which accesses selected databases in accordance with instructions for retrieving the idle time common form plurality of groups (see abstract, "external schedule access means 8").

Regarding to claim 12, Hirotaka discloses a schedule retrieval method for retrieving a schedule, comprising: accepting a first conference-holding condition of schedule; comparing one group in plurality of groups obtained to make a coincide result be a second conference-holding condition; comparing one of plurality of groups, which is not yet compared with any previous conference-holding, second conference-holding condition, and outputting a retrieval result obtained (see abstract).

Hirotaka does not teach dividing a subject of schedule into a plurality of groups. Official notice is taken that grouping a subject of schedule is old and well-known in the art of scheduling a meeting (The prior arts is provided for traversing the Official notice). Moreover, it is obvious that the process of retrieving an idle time common from one group as a retrieval condition for retrieving an idle time common for another group of plurality of groups will work the same as

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retrieves an idle time common from one person as a retrieval condition for retrieving an idle time common for another person of plurality of people, because one group may contain only one person. Therefore, it would have been obvious to combine the feature of dividing schedule into groups with Hirotaka's in order to retrieve common idle time among plurality of groups for the purpose of time consuming.

Regarding to claim 13, Hirotaka discloses a schedule server apparatus coupled to terminal apparatuses allocated to schedule-reserving persons and schedule-reserved persons through a communication line for retrieving idle time of a schedule, comprising:

communication control means for transmitting data to terminal apparatuses and for receiving data from terminal apparatuses (see abstract, "communication means 4"); and  
retrieving means for dividing each of schedules registered for a plurality of people or a plurality of equipment into a plurality of groups and retrieving common idle time among plurality of groups (see abstract, the free time retrieval means 10").

Hirotaka does not teach dividing a subject of schedule into a plurality of groups based on the degree of significance. Official notice is taken that grouping a subject of schedule based on the degree of significance is old and well-known in the art of scheduling a meeting. Moreover, it is obvious that the process of retrieving an idle time common from one group as a retrieval condition for retrieving an idle time common for another group of plurality of groups will work the same as retrieves an idle time common from one person as a retrieval condition for retrieving an idle time common for another person of plurality of people, because one group may contain

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only one person. Therefore, it would have been obvious to combine the feature of dividing schedule into groups with Hirotaka's in order to retrieve common idle time among plurality of groups for the purpose of time consuming.

Claim 14 is written in computer program that parallel limitations found in claim 12, therefore is rejected by the same rational.

***Conclusion***

7. Claims **10-20** are rejected.
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Nga B. Nguyen, whose telephone number is (703)306-2901. The examiner can normally be reached on Monday-Thursday from 7:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent A. Millin, can be reached on (703)308-1065.

9. **Any response to this action should be mail to:**

Commissioner of Patents and Trademarks  
c/o Technology Center 2700  
Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**or:**

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(703) 308-5397 (for informal or draft communications, please label  
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington.  
VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Group receptionist whose telephone number is (703)305-3900.

Nga B. Nguyen  
September 26, 2002

  
**VINCENT MILLIN**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 3600**